

September 14, 2018

**VIA ECF**

Honorable Jed S. Rakoff  
United States District Judge  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Osen LLC v. United States Department of State*, 18-cv-6070-JSR**

Dear Judge Rakoff,

Pursuant to the Court's request during the August 14, 2018 telephone conference, the parties respectfully write jointly to update the Court on the status of record productions from Defendant United States Department of State ("State" or the "government").

**Joint status update.** During the August 14, 2018 telephone conference, the Court ordered the government to make an initial production of records by August 29, 2018, and to employ best efforts to ensure full production by September 26, 2018. On August 29, 2018, the government sent an initial letter to Plaintiff noting that State had "located one responsive record," but withheld it in full pursuant to FOIA exemption 1. Plaintiff has asked State's counsel to identify this withheld record, and State's counsel is conferring with the agency about this request.

During a subsequent meet and confer, State's counsel informed Plaintiff that, as of today, State has located 38 of the 42 requested records, and is continuing to search for the other records. The parties are conferring about whether Plaintiff can provide any additional information that may aid the government's search.

**Update from the government.** The government has continued processing the records it has located. Because Plaintiff's request seeks records that may contain classified information, the most significant task in processing the records is ensuring that properly classified information is identified. Much of the classification review for identified records is being conducted by State, but the Department of Defense ("DOD") has also been consulted with respect to a limited number of records that involve potential DOD equities; this inter-agency consultation will require additional time. The government anticipates that it will be able to process most of the located records by

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September 26. The government expects that processing any remaining records—including those that require inter-agency consultation—may take an additional few weeks.

The Parties thank the Court for its consideration.

Respectfully submitted,

OSEN LLC

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